
APPENDIX L

**WINNEMUCCA FLUID MINERAL LEASE SALE
STIPULATIONS**

Winnemucca District
Fluid Mineral Lease Sale Stipulations

Winnemucca District
Fluid Mineral Lease Sale Stipulations

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Winnemucca District
Fluid Mineral Lease Sale Stipulations

List of Acronyms

CSU – Controlled Surface Use
NRHP – National Register of Historic Places
NHT – National Historic Trail
TCP – Traditional Cultural Property
TL – Timing Limitation
WD RMP – Winnemucca District Resource Management Plan

Controlled Surface Use Stipulations

Controlled Surface Use (CSU) stipulations are intended to be used when fluid mineral occupancy and use are generally allowed on all or portions of the lease area year round, but because of special values or resource concerns, lease activities are controlled.

No Surface Occupancy Stipulation Guidance

The No Surface Occupancy (NSO) stipulation applies to use or occupancy of the land and prohibits occupancy or disturbance on all or part of the lease surface in order to protect special values or uses. The NSO stipulation is intended for use only when other stipulations are determined insufficient to adequately protect the public interest. The Winnemucca District RMP applies the protection of NSO across program areas. This requirement may be subject to valid existing rights See Appendix “L” Uniform Format for Oil and Gas Lease stipulation and Final PEIS for Geothermal Leasing in the Western United States (October 2008).

Timing Limitations

A Timing Limitation (TL) stipulation protects one or more resources by restricting some or all operational activity within a certain time period during the year.

Land use plans and/or NEPA documents should identify the specific conditions for providing waivers, exception or modifications to lease stipulations. Waivers, exceptions, or modifications must be supported by appropriate environmental analysis and documentation.

Lease Notice

A Lease Notice provides more detailed information concerning limitation that already exist in law, lease terms, regulations, or operational orders. A Lease Notice also addresses special items the lessee should consider when planning operations, but do not impose new or additional restrictions.

Winnemucca District
Fluid Mineral Lease Sale Stipulations*

**Stipulations have been pulled from the Winnemucca District Resource Management Plan (WD RMP) and other supporting guidelines as cited. They are applied in addition to the standard lease stipulations and any statewide stipulations. This list may not be all inclusive.*

Cultural/Native American/Historic Trails

Objective **Protection of Cultural Sites Resources and Consultation with Native American Tribes and the State Historic Preservation Office**

Stipulation **Lease Notice**
NV-WD-CRNA-01
(WD RMP Action CA-CR 2.1 and Objectives D-TC 1 and D-TC 2)
The authorized officer of the BLM will consult with the appropriate Native American Tribes and State Historic Preservation Officers regarding cultural resources per Section 106 of the National Historical Preservation Act and its implementation through the protocol between the BLM Nevada State Director and the Nevada State Historic Preservation Office. The presence of National Register eligible, listed, and unevaluated sites will be determined on the basis of a literature review of recorded sites and properties in the proposed lease area. A protective buffer around a site within the lease area, if appropriate, may be applied. Additional cultural or ethnographic research, consultation and/or inventories may be required to identify resources, determine effects, mitigate adverse effects and complete the Section 106 process.

Objective Protection of National Register of Historic Places Sites

Stipulation **No Surface Occupancy in National Register of Historic Places sites**
NV-WD-CRNA-02
(WD RMP Objectives D-TC 1 and D-TC 2, Action D-TC 2.2, and Action D-MR 4.1.3)
No surface occupancy (NSO) in areas containing NRHP eligible, listed and unevaluated sites and TCPs. To accomplish this, any quarter-quarter-quarter section (10-acre parcel) within or intersected by the site would be subject to NSO. For development and production phases, surface occupancy may be limited to a specific distance or precluded at hot springs, pending conclusion of the National Historical Preservation Act (NHPA) requirements and Native American consultation process. Additional lands outside the designated boundaries of sites may be added to the NSO restriction to the extent necessary to protect values where the setting and integrity is critical to their designation or eligibility (see WD RMP Action D-MR 4.1.3).

Cultural/Native American/Historic Trails

Exception The Authorized Officer may grant an exception if through the NHPA requirements, it is determined that the action, as proposed, does not adversely affect the long-term integrity or use of the TCP or the integrity of the site, or if the adverse effect can be mitigated. For TCPs, an exception may also be granted if the proponent, BLM, and the affected Tribe or tribal members negotiate mitigation that would satisfactorily offset the anticipated negative impacts.

Modification The Authorized Officer may modify the size and shape of the restricted area if the NHPA requirements and/or Native American consultation indicate the site differs from that described in the original stipulation. Modifications may be made to allow for an increasing level of environmental protection when changing circumstances warrant stronger measures to meet goals, objectives, and outcomes identified in this RMP and any future amendments (see WO IM-2010-117 [Oil and Gas Leasing Reform – Land Use Planning and Lease Parcel Reviews]).

Waiver The restriction may be waived if it is determined that the described lands are not, in fact, part of a National Register of Historic Places eligible or listed site. This determination would be made as part of the NHPA requirements and in consultation with the affected Tribes.

Objective **Protection of National Historic Trails**

Stipulation **No Surface Occupancy (NSO) for National Historic Trails (NHT)
NV-WD-CRNA-03**

(WD RMP Action D-CR 6.8 and D-MR 4.1.3)

No surface occupancy (NSO) will be applied on congressionally designated historic trails and additional lands bordering the trails to the extent necessary to protect values where the integrity of setting is critical to their designation or eligibility. This applies specifically within a mile of the NHT. To accomplish this, any quarter quarter-quarter section (10-acre parcel) within or intersected by the NHT or the one-mile buffer line would be subject to NSO.

Exception The Authorized Officer may grant an exception if, through the National Historic Preservation Act (NHPA) requirements, it is determined that the action, as proposed or otherwise restricted, does not adversely affect the NHT and/or setting. An exception may also be granted if mitigations satisfactorily off-set the anticipated impacts.

Modification The Authorized Officer may modify the size and shape of the restricted area if the NHPA requirements indicate the proposed action does not adversely impact the NHT and/or setting. Modifications may be made to allow for an increasing level of environmental protection when changing circumstances

Cultural/Native American/Historic Trails

warrant stronger measures to meet goals, objectives, and outcomes identified in this RMP and any future amendments (see IM-2010-117).

Waiver The restriction may be waived if the NHPA requirements determine that the described lands are not contributing elements to the NHT and setting. This determination can only come after consultation with the National Park Service, Nevada State Historic Preservation Office and perhaps other interested publics.

Objective **Protection of National Historic Trails**

Stipulation **Lease Notice**
NV-WD-CRNA-04
(WD RMP Action D-CR 6.2)
This parcel includes lands within the viewshed of congressionally designated historic trails. As described in the Winnemucca District RMP, Action D-CR 6.2 unless otherwise cited, new development within six miles of the NHT will be managed to Visual Resource Management Class II objectives. These objectives would be met through conditions of approval applied during the permit approval process.

Paleontological Resources

Objective **Protection of Potential Fossil Yield Classification (PFYC) 1 and 2: Very Low/Low Potential**

Stipulation **Lease Notice**
NV-WD-PALEO-01
(WD RMP Action D-PR 1.4)
This area has low potential for vertebrate paleontological resources. This area may contain vertebrate paleontological resources. In the event that previously undiscovered paleontological resources are discovered in the performance of any surface disturbing activities, the item(s) or condition(s) will be left intact and immediately brought to the attention of the authorized officer of the BLM. If fossils are discovered, avoidance or data recovery will be required prior to their disturbance if they are deemed to be of scientific importance. Surface restrictions may be applied to surface disturbing activities.

Objective **Protection of Potential Fossil Yield Classification (PFYC) 3: Moderate Potential**

Stipulation **Lease Notice**
NV-WD-PALEO-02

Paleontological Resources

(WD RMP Action D-PR 1.4)

This area has moderate potential for vertebrate paleontological resources. Inventory and/or on-site monitoring during disturbance or spot checking may be required. If fossils are discovered, avoidance or data recovery will be required prior to their disturbance if they are deemed to be of scientific importance.

Objective **Protection of Potential Fossil Yield Classification (PFYC) 4 and 5: High/Very High Potential**

Stipulation **Lease Notice
NV-WD-PALEO-03**

(WD RMP Action D-PR 1.4)

This area has high and very high potential for paleontological resources. This land is underlain by geologic units that have been documented to contain a high occurrence of fossils, which may consist of scientifically significant vertebrate fossils. A field survey by a qualified paleontologist, and at the lessee's expense, will be required prior to surface disturbing activities. If significant fossils of scientific importance are discovered they will require avoidance or data recovery prior to their disturbance. On site monitoring may be necessary during construction activities.

Objective **Protection of Potential Fossil Yield Classification (PFYC) 5: Very High Potential**

Stipulation **No Surface Occupancy (NSO)
NV-WD-PALEO-04**

(WD RMP Action MR 4.1.3)

This area has very high potential for paleontological resources. No surface occupancy within the limits of identified paleontological resource occurrences classified by WO-IM-2008-009 (Potential fossil Yield Classification [PFYC] System for Paleontological Resources on Public Lands) as PFYC 5 (being of scientific or educational interest). To accomplish this, any quarter-quarter-quarter section (10-acre parcel) within or intersected by the limits of the site are subject to NSO. A field survey by a qualified paleontologist, at the lessee's expense, will be required prior to surface disturbing activities. Data recovery or avoidance may be required. On site monitoring may be necessary during construction activities.

Exception The Authorized Officer may grant an exception if an environmental review determines that the action, as proposed or otherwise restricted, does not adversely affect the paleontological resource being protected by the

Paleontological Resources

restriction. An exception may also be granted if the proponent, BLM, and other affected interests negotiate mitigation that would satisfactorily offset the anticipated negative impacts. Actions designed to enhance the long-term protection of the resource may be exempted from the otherwise applicable restriction.

Modification The Authorized Officer may modify the size and shape of the restricted area if an environmental analysis indicates the actual suitability of the land for the paleontological resource in question differs from that in the otherwise applicable restriction. Modifications may be made to allow for an increasing level of environmental protection when changing circumstances warrant stronger measures to meet goals, objectives, and outcomes identified in this RMP and any future amendments (see IM-2010-117).

Waiver The restriction may be waived if it is determined that the described lands do not contain a paleontological resource, and are unlikely to contain such resources and therefore no longer warrant consideration for protection of the resource.

Recreation

Objective Protection of Developed Recreation Sites

Stipulation No Surface Occupancy (NSO)
NV-WD-REC-01

No surface occupancy on developed recreational facilities, special-use permit recreation sites (e.g., ski resorts and camps), and areas with significant recreational use with which fluid mineral development is deemed incompatible, excluding direct use applications.

Exception The Authorized Officer may grant an exception if an environmental review determines that the action, as proposed or otherwise restricted, does not adversely affect the resource being protected by the restriction. An exception may also be granted if the proponent, BLM, and other affected interests negotiate mitigation that would satisfactorily offset the anticipated negative impacts. Actions designed to enhance the long-term utility or availability of the protected resource may be exempted from the otherwise applicable restriction.

Modification The Authorized Officer may modify the size and shape of the restricted area if an environmental analysis indicates the actual suitability of the land for the resource in question differs from that in the otherwise applicable restriction. Modifications may be made to allow for an increasing level of environmental protection when changing circumstances warrant stronger measures to meet goals, objectives, and outcomes identified in this RMP and any future amendments (see IM-2010-117 [Oil and Gas Leasing Reform – Land use Planning and Lease Parcel Reviews]).

Waiver The restriction may be waived if it is determined that the described lands do

Recreation

not contain the subject resource, or are incapable of serving the requirements of the resource and therefore no longer warrant consideration as a component necessary for protection of the resource (e.g. provided suitable habitat for a T&E species). In certain instances this determination would come after consulting with other managing agencies or interested publics.

Riparian

Objective **Controlled Surface Use of Riparian and Wetland Habitat**

Stipulation **Controlled Surface Use (CSU)**
NV-WD-RIPAR-01

Controlled surface use will be applied within 500 feet of riparian or wetland vegetation to protect the values and functions of these areas. Specific measures required will be based on the nature, extent, and value of the area potentially affected.

Exception The Authorized Officer may grant an exception if an environmental review determines that the action, as proposed or otherwise restricted, does not affect the resource being protected by the restriction. An exception may also be granted if the proponent, BLM, and other affected interests (e.g. NDOW) negotiate mitigation that would satisfactorily offset the anticipated negative impacts. Actions designed to enhance the long-term utility or availability of the protected resource may be exempted from the otherwise applicable restriction.

Modification The Authorized Officer may modify the size and shape of the restricted area if an environmental analysis indicates the actual suitability of the land for the resource in question differs from that in the otherwise applicable restriction. Similarly, timeframes may be modified based on studies documenting local periods of actual resource use that differ from those in the applicable restriction. Modifications may be made to allow for an increasing level of environmental protection when changing circumstances warrant stronger measures to meet goals, objectives, and outcomes identified in this RMP and any future amendments (see IM-2010-117).

Waiver The restriction may be waived if it is determined that the described lands do not contain the subject resource, or are incapable of serving the requirements of the resource and therefore no longer warrant consideration as a component necessary for protection of the resource (e.g. provided suitable habitat for a T&E species). In certain instances this determination would come after consulting with other managing agencies or interested publics.

Soils

Objective **Protection of Soils Prone to Severe Wind and Water Erosion**

Soils

Stipulation

Controlled Surface Use (CSU)

Controlled Surface Use will be applied to lands with a severe soil wind or water erosion hazard rating (as designed by NRCS soil survey data when available). Prior to surface disturbance on soils with a severe erosion hazard rating, a site-specific construction, stabilization, and reclamation plan (Plan) must be submitted to the BLM by the applicant as a component of the Geothermal Drilling/Application for Permit to Drill – Plan of Operations. The operator may not initiate surface disturbing activities unless the BLM Authorized Officer has approved the Plan or approved it with conditions.

The plan must demonstrate to the Authorized Officer's satisfaction how the operator will meet the following performance standards:

- Soil stability is maintained preventing slope failure and wind or water erosion.
- The site will be stable with no evidence of accelerated erosion features.
- The rate of soil erosion will be controlled to maintain or improve soil quality and sustainability. The disturbed soils shall have characteristics that approximate the reference site with regard to quantitative and qualitative soil erosion indicators described in H-7100-1 Soil Inventory, Monitoring, and Management Handbook.
- Sufficient topsoil is maintained for ensuring successful final reclamation. At locations where interim reclamation will be completed, this will be accomplished by re-spreading the topsoil over the areas of interim reclamation.
- The original landform and site productivity will be partially restored during interim reclamation and fully restored as a result of final reclamation. The authorized officer may modify the size and shape of the restricted area subject to the stipulation based upon a NRCS soil survey or BLM evaluation. The stipulation and performance standards identified above may also be modified based on negative or positive monitoring results from similar proposed actions on similar sites or increased national or state performance standards.

Exception

The BLM authorized officer may grant an exception if a staff review determines that the proposed action is of a scale (pipeline, vs. road, vs. well pad) or sited in a location, or a soil survey determines that the soil properties do not meet the severe erosion hazard criteria so that the proposed action would not result in a failure to meet the performance standards above.

Modification

The authorized officer may modify the size and shape of the restricted area subject to the stipulation based upon a NRCS soil survey or BLM evaluation. The stipulation and performance standards identified above may also be modified based on negative or positive monitoring results from similar proposed actions on similar sites or increased national or state performance

Soils

standards.

Waiver The restriction may be waived if it is determined that the described lands do not include soils with severe erosion hazard. This determination shall be based upon NRCS mapping and BLM evaluation of the area.

Soils

Objective **Protection of Soils Prone to Slope Erosion**

Stipulation **Controlled Surface Use (CSU)**

Controlled Surface Use will be applied to lands with slopes greater than 15% and less than 50% (As mapped by the USGS 1:24,000 scale topographic maps or as determined by a BLM). Prior to surface disturbance on slopes greater than 15% a site-specific construction, stabilization, and reclamation plan must be submitted to the BLM by the applicant as a component of the Geothermal Drilling/Application for Permit to Drill – Plan of Operations. The operator may not initiate surface disturbing activities unless the BLM Authorized Officer has approved the Plan or approved it with conditions.

The plan must demonstrate to the Authorized Officer's satisfaction how the operator will meet the following performance standards:

- Soil stability is maintained preventing slope failure and wind or water erosion.
- The site will be stable with no evidence of accelerated erosion features.
- The rate of soil erosion will be controlled to maintain or improve soil quality and sustainability. The disturbed soils shall have characteristics that approximate the reference site with regard to quantitative and qualitative soil erosion indicators described in H-7100-1 Soil Inventory, Monitoring, and Management Handbook.
- Sufficient topsoil is maintained for ensuring successful final reclamation. At locations where interim reclamation will be completed, this will be accomplished by re-spreading the topsoil over the areas of interim reclamation.
- The original landform and site productivity will be partially restored during interim reclamation and fully restored as a result of final reclamation. The authorized officer may modify the size and shape of the restricted area subject to the stipulation based upon a NRCS soil survey or BLM evaluation. The stipulation and performance standards identified above may also be modified based on negative or positive monitoring results from similar proposed actions on similar sites or increased national or state performance standards.

Soils

- Exception** The BLM authorized officer may grant an exception if a staff review determines that the proposed action is of a scale (pipeline, vs. road, vs. well pad) or sited in a location or a site specific evaluation determines that the slope does not exceed 15%, so that the proposed action would not result in a failure to meet the performance standards listed above.
- Modification** The authorized officer may modify the area subject to the stipulation based upon a BLM evaluation of the area. The stipulation and performance standards identified above may also be modified based on negative or positive monitoring results from similar proposed actions on similar sites or increased national or state performance standards.
- Waiver** The restriction may be waived if it is determined that the described lands do not include lands with slopes greater than 15%. This determination shall be based upon USGS mapping and a BLM evaluation of the area.

Soils

Objective **Protection of Soils Prone to Slope Erosion**

Stipulation **No Surface Occupancy**
No surface occupancy will be applied to slopes greater than 50% (as mapped by the USGS 1:24,000 scale topographic maps or as determined by a BLM evaluations of the area).

- Exception** The BLM authorized officer may grant an exception if a staff review determines that the proposed action is of a scale (pipeline, vs. road, vs. well pad) or sited in a location or a site specific evaluation determines that the slope would not result in mass slope failure or accelerated erosion and the operator would be able to meet BLM's reclamation standards.
- Modification** The authorized officer may modify the area subject to the stipulation based upon a BLM evaluation of the area. The stipulation and performance standards identified above may also be modified based on negative or positive monitoring results from similar proposed actions on similar sites or increased national or state performance standards.
- Waiver** The restriction may be waived if it is determined that the described lands do not include lands with slopes greater than 50%. This determination shall be based upon USGS mapping and a BLM evaluation of the area.

Threatened & Endangered and Special Status Species

Objective **Allowance for Future Designations of Threatened, Endangered, or other Special Status Species**

Threatened & Endangered and Special Status Species

Stipulation

Lease Notice

NV-WD-SSS-01,

(WD RMP CA-SSS 1.1, CA-1.2)

The lease area may now or hereafter contain plants, animals, or their habitats determined to be threatened, endangered, or other special status species. All plants and any member of the animal kingdom, including without limitation any mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod, or other invertebrates, (BLM Manual Rel. 6840, IM 2009-039 [), designated as endangered, threatened, or other special status will be considered in each project proposal. BLM may recommend modifications to exploration and development proposals to further its conservation and management objective to avoid BLM-approved activity that will contribute to a need to list a species or their habitat. BLM may require modifications to or disapprove proposed activity that is likely to result in jeopardy to the continued existence of a proposed or listed, threatened, endangered, or other special status species or result in the destruction or adverse modifications of a designated or proposed critical habitat. No surface disturbance would be authorized before a special status species inventory of the project area is completed by a qualified biologist or botanist. In the event a special status species inventory cannot be conducted, a determination will be made by a BLM biologist or botanist as to the likelihood of suitable habitat for the special status species in the project area and if such habitat is likely, it will be assumed the special status species is present as well. BLM will not approve any ground disturbing activity that may affect any such species or critical habitat until it completes its obligations under applicable requirements of the Endangered Species Act, 16 U.S.C. 1531, as amended, including completion of any required procedure for conference or consultation.

Objective

Controlled Surface Use for Designated or Proposed Critical Habitat for Listed Species

Stipulation

Controlled Surface Use (CSU)

NV-WD-SSS-02

(WD RMP Action D-SSS 1.1)

Controlled surface use of designated or proposed critical habitat for listed species under the Endangered Species Act of 1973 (as amended) would be applied if fluid mineral activities would be likely to adversely modify the habitat for the short term. Controlled surface use will be applied within the designated habitat to protect the values and functions of these areas. Specific measures required will be based on the nature, extent, and value of the area potentially affected.

Threatened & Endangered and Special Status Species

Exception The Authorized Officer may grant an exception if an environmental review determines that the action, as proposed or otherwise restricted, does not adversely affect the species being protected by the restriction. An exception may also be granted if the proponent, BLM, and other affected interests (e.g. NDOW) negotiate mitigation that would satisfactorily offset the anticipated negative impacts. Actions designed to enhance the long-term utility or availability of the habitat to the protected species may be exempted from the otherwise applicable restriction.

Modification The Authorized Officer may modify the size and shape of the restricted area if an environmental analysis indicates the actual suitability of the land for the species in question differs from that identified in the stipulation. Modifications may be made to allow for an increasing level of environmental protection when changing circumstances warrant stronger measures to meet goals, objectives, and outcomes identified in this RMP and any future amendments (see IM-2010-117).

Waiver The restriction may be waived if it is determined that the described lands do not contain the subject species, or are incapable of serving the requirements of the species and therefore no longer warrant consideration as a component necessary for protection of that species. In certain instances this determination would come after consulting with other managing agencies or interested publics.

Objective **Protection of Designated or Proposed Critical Habitat for Listed Species**

Stipulation **No Surface Occupancy (NSO)**
NV-WD-SSS-03
(WD RMP, Action D-SSS 1.1;

No surface occupancy of designated or proposed critical habitat for listed species under the Endangered Species Act of 1973 (as amended) would be applied if fluid mineral activities would be likely to adversely modify the habitat for the long term. For listed or proposed species without designated habitat, no surface occupancy would be implemented to the extent necessary to avoid jeopardy.

Exception The Authorized Officer may grant an exception if an environmental review determines that the action, as proposed or otherwise restricted, does not adversely affect the species being protected by the restriction. An exception may also be granted if the proponent, BLM, and other affected interests (e.g. NDOW) negotiate mitigation that would satisfactorily offset the anticipated negative impacts. Actions designed to enhance the long-term utility or availability of the habitat to the protected species may be exempted from the otherwise applicable restriction.

Threatened & Endangered and Special Status Species

Modification The Authorized Officer may modify the size and shape of the restricted area if an environmental analysis indicates the actual suitability of the land for the species in question differs from that identified in the stipulation. Modifications may be made to allow for an increasing level of environmental protection when changing circumstances warrant stronger measures to meet goals, objectives, and outcomes identified in this RMP and any future amendments (see IM-2010-117).

Waiver The restriction may be waived if it is determined that the described lands do not contain the subject species, or are incapable of serving the requirements of the species and therefore no longer warrant consideration as a component necessary for protection of that species. In certain instances this determination would come after consulting with other managing agencies or interested publics.

Objective **Protection of BLM-Designated Sensitive Species**

Stipulation **Controlled Surface Use (CSU) NV-WD-SSS-05**

For BLM-designated sensitive species (e.g. sage-grouse and others), a lease stipulation for controlled surface use, would be applied to defined avoidance areas where fluid mineral activities would be likely to adversely impact the species or modify the habitat and other existing measures are inadequate to meet agency management objectives. Controlled surface use will be applied within the designated habitat to protect the values and functions of these areas. Specific measures required will be based on the nature, extent, and value of the area potentially affected.

Exception The Authorized Officer may grant an exception if an environmental review determines that the action, as proposed or otherwise restricted, does not adversely affect the species being protected by the restriction. An exception may also be granted if the proponent, BLM, and other affected interests (e.g. NDOW) negotiate mitigation that would satisfactorily offset the anticipated negative impacts. Actions designed to enhance the long-term utility or availability of the habitat to the protected species may be exempted from the otherwise applicable restriction.

Modification The Authorized Officer may modify the size and shape of the restricted area if an environmental analysis indicates the actual suitability of the land for the species in question differs from that identified in the stipulation. Modifications may be made to allow for an increasing level of environmental protection when changing circumstances warrant stronger measures to meet goals, objectives, and outcomes identified in this RMP and any future amendments (see IM-2010-117).

Threatened & Endangered and Special Status Species

Waiver The restriction may be waived if it is determined that the described lands do not contain the subject species, or are incapable of serving the requirements of the species and therefore no longer warrant consideration as a component necessary for protection of that species. In certain instances this determination would come after consulting with other managing agencies or interested publics.

Objective **Protection of Eagles and Raptors – Nesting Habitat**

Stipulation **Timing Limitation (TL)**
NV-WD-SSS-06,
(WD RMP, Action CA-SSS 1.7)

Bald or Golden eagles or other raptors or their habitat may be present in the lease area or within the vicinity of the lease area. These species will be managed in accordance with FLPMA, the Bald and Golden Eagle Protection Act (BGEPA) and the Migratory Bird Treaty Action (MBTA). The following restrictions apply.

Species	Locations	Distance of Spatial Buffer Zone/Type of Restriction	Restriction Dates
Bald eagle	Nests	¼ mile non-los and ½ mile los and 1 mile blasting	Jan 1-Aug 31
	Winter roosts	½ mile	Dec. 1-April 1
Northern goshawk	Nests (occupied) Previous Years Nest	¼ mile, ½ mile los	Feb 1 – Aug 31
Golden eagle	Nests	¼ mile non-los, ½ mile los	Feb 1-Aug 31
Ferruginous hawk	Nests	¼ mile non-los, ½ mile	Mar. 1-Aug 31
Red-tailed hawk	Nests	¼ mile	Mar 1- Aug.31
Swainson's hawk	Nests	¼ mile non-los, ½ mile lose	Mar. 1-August 31

Threatened & Endangered and Special Status Species

Prarie falcon	Nests	¼ mile	Mar. 1-August 31
Burrowing owl	Nests	¼ mile – Permanent disturbance or occupancy	Mar. 1-August 31
Burrowing owl (Continued)		260 feet Temporary Disturbance	
Flammulated owl	Nests	¼ mile	April 1 – Sept. 30.

Exception The Authorized Officer may grant an exception if an environmental review determines that the action, as proposed or otherwise restricted, does not adversely affect the species being protected by the restriction. An exception may also be granted if the proponent, BLM, and other affected interests (e.g. NDOW) negotiate mitigation that would satisfactorily offset the anticipated negative impacts. Actions designed to enhance the long-term utility or availability of the habitat to the protected species may be exempted from the otherwise applicable restriction.

Modification The Authorized Officer may modify the size and shape of the restricted area if an environmental analysis indicates the actual suitability of the land for the species in question differs from that identified in the stipulation. Modifications may be made to allow for an increasing level of environmental protection when changing circumstances warrant stronger measures to meet goals, objectives, and outcomes identified in this RMP and any future amendments (see IM-2010-117).

Waiver The restriction may be waived if it is determined that the described lands do not contain the subject species, or are incapable of serving the requirements of the species and therefore no longer warrant consideration as a component necessary for protection of that species. In certain instances this determination would come after consulting with other managing agencies or interested publics.

Objective **Protection of Sensitive Resources**

Stipulation **Timing Limitation**

NV-WD-SSS-1.2

(WD RMP, Objective D-FW-1 and Action FW 1.2

Where standard lease terms and permit-level decisions are deemed

Threatened & Endangered and Special Status Species

insufficient to protect sensitive resources, but where an NSO is deemed overly restrictive, the BLM would apply seasonal or time limited stipulations to leases as appropriate by wildlife species to protect habitat, provide continuity of migration corridors, and protect seasonal use areas.

Resource	Objective	Timing Limitation
Mule Deer	Protect Mule Deer from disturbance during fawning	No Surface Occupancy within a ¼ mile radius of designated fawning habitat May 15-June 15
Mule Deer	Protect Migration Corridors	Varies by location No Surface Occupancy within a ¼ mile of delineated corridors – Nov. 15-April 30
Mule Deer	Crucial Winter habitat (areas)	No Surface Occupancy – within crucial mule deer winter habitat - November 15-April 30
Pronghorn Antelope	Protect Pronghorn fawning areas	No Surface Occupancy within a ¼ mile radius of designated fawning areas
Pronghorn Antelope	Protect Pronghorn crucial winter habitat	No Surface Occupancy From Nov. 15 to April 30
Bighorn Sheep	Protect Bighorn Sheep from disturbance during lambing	No Surface Occupancy within a ¼ mile radius of designated lambing habitat Feb. 1 – June 30

Exception The Authorized Officer may grant an exception if an environmental review determines that the action, as proposed or otherwise restricted, does not adversely affect the resource being protected by the restriction. An exception may also be granted if the proponent, BLM, and other affected interests negotiate mitigation that would satisfactorily offset the anticipated negative impacts.

Modification The Authorized Officer may modify the size and shape of the restricted area if an environmental analysis indicates the actual suitability of the land for the resource in question differs from that in the otherwise applicable restriction. Similarly, timeframes may be modified based on studies documenting local periods of actual resource use that differ from those in the applicable

Threatened & Endangered and Special Status Species

restriction.

Modifications may be made to allow for an increasing level of environmental protection when changing circumstances warrant stronger measures to meet goals, objectives, and outcomes identified in this RMP and any future amendments (see IM-2010-117).

Waiver It is unlikely that this stipulation would be waived once it has been applied.

Urban Interface

Objective **Controlled Surface Use in Areas of Urban Interface**

Stipulation **Controlled Surface Occupancy (CSU)
NV-WD-URBAN-01**

Controlled surface use will be applied to minimize the potential for adverse impacts to residential areas, schools, or other adjacent urban land uses. Specific measures required will be based on the nature, extent, and value of the area potentially affected.

Exception The Authorized Officer may grant an exception if an environmental review determines that the action, as proposed or otherwise restricted, does not adversely affect the resource being protected by the restriction. An exception may also be granted if the proponent, BLM, and other affected interests negotiate mitigation that would satisfactorily offset the anticipated negative impacts.

Modification The Authorized Officer may modify the size and shape of the restricted area if an environmental analysis indicates the actual suitability of the land for the resource in question differs from that in the otherwise applicable restriction. Similarly, timeframes may be modified based on studies documenting local periods of actual resource use that differ from those in the applicable restriction. Modifications may be made to allow for an increasing level of environmental protection when changing circumstances warrant stronger measures to meet goals, objectives, and outcomes identified in this RMP and any future amendments (see IM-2010-117).

Waiver It is unlikely that this stipulation would be waived once it has been applied.

Water Resources: Municipal Well Head Protection Zones

Objective **Protection of Municipal Well Head Protection Zones**

Stipulation **No Surface Occupancy (NSO)**

Water Resources: Municipal Well Head Protection Zones

NV-WD-WATER-04

(WD RMP, Action D-WR 1.4)

Some, or all, of this lease parcel is within a recognized municipal well head protection zone. No surface occupancy within recognized well head protection zones or within 1,000 feet of a municipal well head.

Exception The Authorized Officer may grant an exception if an environmental review determines that the action, as proposed or otherwise restricted, does not adversely affect the long-term integrity or use of the well head protection zone. An exception may also be granted if the proponent, BLM, and Nevada Division of Environmental Protection or the Nevada State Water Engineer negotiate mitigation that would satisfactorily offset the anticipated negative impacts.

Modification The Authorized Officer may modify the size and shape of the restricted area if an environmental analysis indicates the well head protection zone differs from that described in the original stipulation. Modifications may be made to allow for an increasing level of environmental protection when changing circumstances warrant stronger measures to meet goals, objectives, and outcomes identified in this RMP and any future amendments (see IM-2010-117).

Waiver The restriction may be waived if it is determined that the described lands are not, in fact, part of a recognized well head protection zone. This determination would be made as part of the consultation with the affected municipality and the Nevada State Water Engineer.

Wild Horse and Burro

Objective Protection of Wild Horses and Burros

Stipulation **Lease Notice**
NV-WD-WH&B-01
(WD RMP, Actions D- 4.1)

Wild horse or burro populations are known to use some or all of the proposed lease area. If proposed fluid mineral activities are to occur in horse management areas (HMA) it may be necessary to avoid or develop mitigation measures to reduce adverse impacts to horses and/or burros. These measures would be designed in a manner that does not hinder the wild and free-roaming behavior of the horses and burros and may include, but are not limited to, providing alternative water sources for horses of equal quality and quantity. Additional specific measures to protect horses and burros may be developed during review of proposals.

Wildlife

Objective **Timing Limitation on Wildlife Migration Corridors and Important Habitat**

Stipulation **Timing Limitation (TL)**
NV-WDO-WILD-03, Objective D-FW-1, WD-FW 1.2
This stipulation will be applied to protect the continuity of migration corridors and important habitat, as recognized and designated by BLM and NDOW. These timing limitations will be applied within the designated habitat to protect the values and functions of these areas. Specific locations and the times applicable will be based on the nature, extent, and value of the area potentially affected.

Exception The Authorized Officer may grant an exception if an environmental review determines that the action, as proposed or otherwise restricted, does not adversely affect the subject species or their habitat. An exception may also be granted if the proponent, BLM, and NDOW negotiate mitigation that would satisfactorily offset the anticipated negative impacts. Actions designed to enhance the long-term utility or availability of the habitat to the subject species may be exempted from the otherwise applicable restriction.

Modification The Authorized Officer may modify the size or shape of the restricted area, or the period of the limitation, if an environmental analysis indicates the actual suitability of the land for the subject species differs from that identified in the stipulation. Modifications may be made to allow for an increasing level of environmental protection when changing circumstances warrant stronger measures to meet goals, objectives, and outcomes identified in this RMP and any future amendments (see IM-2010-117).

Waiver The restriction may be waived if it is determined that the described lands do not contain the subject species or suitable habitat, or are otherwise incapable of serving the requirements of the subject species and therefore no longer warrant consideration as a component necessary for their protection. In certain instances this determination would come after consulting with other managing agencies or interested publics.

Objective **General Migratory Birds Timing Limitation**

Stipulation **Lease Notice**
NV-WD-WILD-04
(WD RMP Action D-FW 4 and D-FW 4.1)

Ground disturbing activities during the migratory bird-nesting season (approximately March 1 through August 31 (as dependent on species) shall not be conducted in order to avoid potential violation of the Migratory Bird

Wildlife

Act of 1918. Should ground-disturbing activities be necessary during this period of time, appropriate inventories for migratory birds shall be conducted prior to site development, as described below. This survey would identify either breeding adult birds or nest sites within the areas to be disturbed. If active nests are present, the proponent will coordinate with the BLM to develop appropriate protection measures for these sites, which may include avoidance, construction constraints, and/or establish buffers.

The general definition of the migratory bird nesting season may be modified with consideration to the bird species that may potentially (based on habitat analysis) utilize the area. Surveys will be performed no more than ten (10) and no less than one (1) day prior to proposed disturbance activities. The applicant will notify the BLM biologist no less than five (5) work days prior to a survey being conducted. The surveys will be performed at the applicant's expense by a biologist acceptable to the BLM. Survey methodology will follow scientifically acceptable protocols and approval by the BLM biologist. BLM personnel have the option of accompanying the applicant's surveyor. Surveys will be conducted at an appropriate time (seasonally and hourly) with regard to species specificity. Protective measures will be implemented during all phases of reproductive behavior (i.e. courtship, nest building, nesting & fledging).